

Applicant(s): HAENER, et al.
Serial No.: 10/509,227
Filed: September 24, 2004

REMARKS

The present response to the Office Action dated April 2, 2008 is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in a condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-26 are pending in the application. Claims 1-26 have been amended. The amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 103(a) Rejections

Madden (US 4,502,213) in view of Hale (US 4,325, 797)

The Office Action of April 2, 2008 rejected Claims 1-5, 8-20 and 22-26 under 35 U.S.C. § 103(a), as being unpatentable over Madden (US 4,502,213) in view of Hale (US 4,325, 797). As noted above, Claims 1-26, which include independent Claims 1 and 19, have been amended. Applicants respectfully submit that neither Madden nor Hale, alone, or taken together, disclose, teach or suggest the limitations of independent Claims 1 and 19 as amended. Correspondingly, neither Madden nor Hale, alone, or taken together, disclose, teach or suggest the limitations of dependent Claims 2-5, 8-18, 20 and 22-26, which depend on one of Claims 1 or 19 as amended.

Claim 1, as amended, recites, inter alia: Handheld apparatus for the preparation of an electrochemical sensor ..., wherein

the holding means, means for dispensing the electrolyte and means for dispensing the membrane are arranged within a common housing that is able to be handheld;
the holding means is fixedly arranged with respect to said common housing;
the common housing further comprising actuating means which is displaceably mounted;
and
the means for dispensing the electrolyte and the means for dispensing the membrane are displaceably mounted with respect to the holding means and supply the electrolyte and membrane to the sensor by manually moving the actuating means.

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Claim 19, a method claim, makes correspondingly similar recitals. In contrast to such recitals, Madden refers a larger-scale, mechanized technique that does not disclose, teach or suggest any way for an electrochemical sensor to be furnished with both electrolyte and membrane as is recited in Claims 1 and 19.

At the outset, the teaching in Madden, is directed to automatic assembly, not “...supply[ing] ... electrolyte and membrane to the sensor by manually moving the actuating means” as is also recited in Claims 1, as amended (and correspondingly recited in Claim 19). Madden states “it is an object of the present invention to provide an automatic apparatus capable of performing, in a new and unique manner, steps which previously were carried out by hand.” (Col. 2, ln 67-Col. 3, ln 2, emphasis provided). And further: “All operations accomplished in the automated process of the FIG. 1 apparatus are executed under the control of a digital controller such as the RTI controller made by Texas Instruments, Inc.” (Col. 5, ln 46-50, emphasis provided). Such a system for automatic preparation does not disclose, teach or suggest a system for manual preparation as is recited in Claims 1 and 19, as amended.

Assuming for sake of argument that the cells in Madden could be thought analogous to an electrochemical sensor, it is clear that the cells in Madden move from station to station. Applicants further assert, respectfully, that the “cells” cannot be thought of as the “holding means” as is stated in the Office Action. See, p. 2, par. 2. Claim 1, as amended, recites, inter alia, that “the holding means is fixedly arranged with respect to said common housing”. Claim 19 has a similar recital. That “holding means”, again, is not taught or suggested by Madden, where cells move repeatedly.

Finally, it is clear that the apparatus taught by Madden is not handheld. Madden is directed to an apparatus for assembling cells, where the apparatus “receives partially completed cells 39 from other manufacturing operations” with the cells “arriving on a conveyor track 40”. Col. 5, ln 20-23. It is clearly a large system for bulk manufacture. Such a system, does not disclose, teach or suggest a “Handheld apparatus for the preparation of an electrochemical sensor... wherein ... the holding means, means for dispensing the electrolyte and means for dispensing the membrane are arranged within a common housing that is handholdable”, as is recited in Claim 1, and similarly, Claim 19.

Hale also does not disclose, teach or suggest the limitations of Claim 1, as amended. As stated above Claim 1, recites, inter alia, “Handheld apparatus ... wherein ... the means for dispensing the electrolyte and the means for dispensing the membrane are displaceably mounted with respect to the holding means”. Claim 19 has a similar recital. Hale does not disclose, teach or suggest

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providing both means for dispensing electrolyte and dispensing a membrane that are displaceably mounted. With Hale, it is respectfully asserted that a user is left on his or her own to provide electrolyte: "Fill sensor via face 11 with electrolyte until convex meniscus is visible above the profile of the face 11; eliminate bubbles by tapping the side". (Col. 10, ln 44-46). No particularly controllable means are described. Hale further provides, "Prior to applying membrane 15, the electrolyte-receiving portions or recesses (not shown) are filled to saturation in a conventional manner (Col. 7, ln 30-33). Such descriptions do not disclose, teach or suggest "means for dispensing the electrolyte and the means for dispensing the membrane are displaceably mounted with respect to the holding means" as is recited in Claim 1, as amended (and with similar recital in Claim 19, as amended)

For each of independent Claims 1 and 19, as amended, all of the limitations of those claims are not disclosed, taught or suggested by any combination of Madden and Hale. Accordingly, it is respectfully submitted that Claims 1 and 19 are allowable. As each of Claims 2-5, 8-18, 20 and 22-26, depends from one of Claims 1 or 19 and also includes the limitations of the claim from which it depends, each of those dependent claims are likewise allowable. Accordingly, it is respectfully asserted that the rejection of Claims 1-5, 8-20 and 22-26 under 35 U.S.C. § 103(a), as being unpatentable over Madden in view of Hale be withdrawn.

McGandy (US 4,285,792), Cortina (US 4,738,765) and Patt (US 3,946,599)

The Office Action of April 2, 2008 rejected Claim 6 35 U.S.C. § 103(a), as being unpatentable over Madden and Hale, as applied to claims 1-5, 8-20 and 22-25 and further in view of McGandy (US 4,285,792). The Office Action rejected Claim 7 35 U.S.C. § 103(a), as being unpatentable over Madden and Hale, as applied to claims 1-5, 8-20 and 22-25 and further in view of Cortina (US 4,738,765). The Office Action rejected Claim 21 35 U.S.C. § 103(a), as being unpatentable over Madden and Hale, as applied to claims 1-5, 8-20 and 22-25 and further in view of Patt (US 3,946,599).

Claims 6 and 7 depend on Claim 1, as amended. As described above, neither Madden nor Hale, alone, or taken together, disclose, teach or suggest the all the limitations of Claim 1, as amended. McGandy and Cortina also do not disclose all of the limitations Claims 6 or 7 (respectively), which incorporate all the limitations of Claim 1. For example, the cleansing system in McGandy "...includes a paddlewheel 45 and a plurality of cleansing brushes 46" Col.

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3, in 45-46, does not disclose, teach or suggest a means "for cleaning a sensor head" of an electrochemical sensor, where the means for cleaning are "displaceably mounted." as is recited in Claim 6. Madden, Hale or McGandy in any combination do not disclose, teach or suggest all of the limitations of Claim 6, and further Madden, Hale or Cortina in any combination do not disclose all of the limitations of Claim 7.

In addition, as discussed, neither Madden nor Hale, alone, or taken together, disclose, teach or suggest all the limitations of Claim 19, as amended. Patt also does not disclose all the limitations of Claim 21, which incorporates all the limitations of Claim 19. Accordingly, Madden, Hale or Patt in any combination do not disclose, teach or suggest all of the limitations of Claim 21.

Accordingly, Applicants request that the Examiner withdraw the rejections of claims 6, 7 and 21 under 35 U.S.C. § 103.

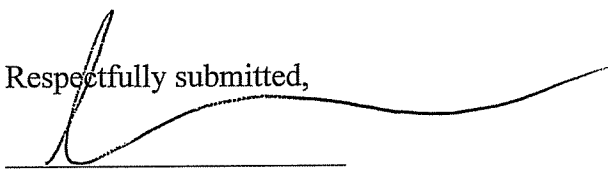
CONCLUSION

In view of the foregoing amendments and remarks, and for at least the reasons discussed above, Applicants respectfully submit that the pending Claims 1-26 are allowable. Their favorable consideration and allowance is respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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